

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
NEW YORK

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MONADNOCK CONSTRUCTION, INC.,

Plaintiff,

-against-

WESTCHESTER FIRE
INSURANCE COMPANY,

Defendant.

X WESTCHESTER FIRE INSURANCE
COMPANY,

Third-Party Plaintiff,

-against-

GLASSWALL, LLC, UGO COLOMBO, and
SARA JAYNE KENNEDY COLOMBO,

Third-Party

Defendants.

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NOTICE OF MOTION TO DISMISS THIRD-PARTY COMPLAINT

PLEASE TAKE NOTICE that upon the Declaration of Joel S. Magolnick, Esq., sworn to November 29, 2017, and the exhibits annexed thereto, third-party defendants Ugo Colombo and Sara Jayne Kennedy Colombo will move this Court at the United States Courthouse, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, before the Honorable Jack B. Weinstein on January 15, 2018 at 10:00 a.m., or as soon thereafter as counsel can be heard, for an Order dismissing the third-party complaint upon the ground that the claims are subject to a prior pending action in the Florida State Court and

therefore this Court should abstain from proceeding.

PLEASE TAKE FURTHER NOTICE that, pursuant to prior scheduling agreed upon by Counsel, answering papers must be served on or before December 29, 2017.

DATED: MIAMI, FLORIDA
NOVEMBER 29, 2017

Respectfully submitted,

MARKO & MAGOLNICK, P.A.

By: /s/Joel S. Magolnick
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